MONTANA LEGISLATIVE HISTORY

Chapter 208 19 81

Bill H 106 S _____ Original bill & history X C

H. Committee on Business and Industry			S. Committee on Business and Industry		
Hearing Date(s)	Jan 16	✓ C	Hearing Date(s)	Mar 16	✓ C
	Feb 16	✓ C		_____	___ C
	_____	___ C		_____	___ C
	_____	___ C		_____	___ C
Date Out	Feb 16	✓ C		Mar 16	✓ C

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

HOUSE BILL NO. 106

INTRODUCED BY SWITZER

IN THE HOUSE

January 7, 1981	Introduced and referred to Committee on Business and Industry.
February 17, 1981	Committee recommend bill do pass as amended. Report adopted.
February 18, 1981	Bill printed and placed on members' desks.
February 19, 1981	Second reading, do pass.
February 20, 1981	Considered correctly engrossed.
February 24, 1981	Third reading, passed. Ayes, 98; Noes, 0. Transmitted to Senate.

IN THE SENATE

March 2, 1981	Introduced and referred to Committee on Business and Industry.
March 16, 1981	Committee recommend bill be concurred in. Report adopted.
March 18, 1981	Second reading, concurred in.
March 20, 1981	Third reading, concurred in. Ayes, 46; Noes, 0.

IN THE HOUSE

March 21, 1981	Returned from Senate. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

HOUSE BILL NO. 106

INTRODUCED BY L. Dean Switzer

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE DEFINITION OF RURAL AREA AS THE TERM APPLIES TO THE RURAL ELECTRIC AND TELEPHONE COOPERATIVE ACT; AMENDING SECTION 35-18-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 35-18-102, MCA, is amended to read:

"35-18-102. Definitions. (1) Corporations organized under this chapter and corporations which become subject to this chapter in the manner hereinafter provided are hereinafter referred to as "cooperatives".

(2) In this chapter, unless the context otherwise requires the following definitions apply:

(a) "Cable television system" means a system that receives and amplifies the signals broadcast by one or more television stations and redistributes the signals to subscribing members of the public for a fixed or periodic fee by wire, cable, microwave, or other means, whether such means are owned or leased.

(b) "Broadband" means transmission facilities capable of handling frequencies greater than those required for high grade voice communication (higher than 4 kilohertz).

(c) "Member" means each incorporator of a cooperative and each person admitted to and retaining membership therein and shall include a husband and wife admitted to joint membership.

(d) "Person" includes any natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision or agency thereof, or any body politic.

(e) "Rural area", as applied to all corporations organized under the provisions of 35-18-105(1), means any area not included within the boundaries of any incorporated or unincorporated city, town, village, or borough having a population in excess of 3,500 persons on March 17, 1939, or subsequent thereto, and every incorporated municipality in which 95% or more of the premises are served by an electric cooperative on February 1, 1971; "rural area", as applied to all corporations organized under the provisions of 35-18-105(2), means any area not included within the boundaries of any incorporated or unincorporated city or town having a population in excess of ~~1,500~~ 3,500 persons."

-End-

INTRODUCED BIL
HB 106

LC 0878/01

REFERRED TO COMMITTEE ON FISH AND GAME: 1/22
HEARING: 2/10
REPORT: 2/13, BE CONCURRED IN
2ND READING: 2/16, BE CONCURRED IN
3RD READING: 2/19, YEAS: 47; NAYS: 1

RETURNED TO HOUSE: 2/19
TRANSMITTED TO GOVERNOR: 2/24
ACTION: SIGNED, 2/26
CHAPTER 18

—MANUEL—TO ALLOW THE BOARDS OF TRUSTEES OF RURAL COOPERATIVE
ITIES TO CHOOSE A PLACE FOR MEMBERSHIP MEETINGS....
INTRODUCED: 1/7
REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 1/7
HEARING: 1/12
REPORT: DO PASS, 1/13
2ND READING: 1/16 YEAS: 91; NAYS: 1
3RD READING: 1/19 YEAS: 94; NAYS: 1

TRANSMITTED TO SENATE: 1/19
REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 1/20
HEARING: 3/6
REPORT: 3/6, BE CONCURRED IN, AS AMENDED
2ND READING: 3/9, BE CONCURRED IN
3RD READING: 3/11, YEAS: 48; NAYS: 1

RETURNED TO HOUSE WITH AMENDMENTS: 3/11
2ND READING: 3/14 YEAS: 60; NAYS: 22
3RD READING: 3/17 YEAS: 86; NAYS: 9

TRANSMITTED TO GOVERNOR: 3/20
ACTION: SIGNED, 3/23
CHAPTER 131

—JACOBSEN—TO REQUIRE PRODUCTION REPORTS TO ROYALTY OWNERS BY OIL
AND GAS LESSEES.
INTRODUCED: 1/7
REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 1/7
HEARING: 1/13
REPORT: DO NOT PASS, 2/16
REPORT: ADOPTED, 2/18
BILL KILLED: 2/18 YEAS: 80; NAYS: 12

—SWITZER—AMENDING THE DEFINITION OF RURAL AREA AS THE TERM
APPLIES TO THE RURAL ELECTRIC AND TELEPHONE COOPERATIVE ACT.
INTRODUCED: 1/7
REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 1/7
HEARING: 1/16
REPORT: DO PASS AS AMENDED, 2/16
2ND READING: 2/19 YEAS: 71; NAYS: 1
3RD READING: 2/24 YEAS: 98; NAYS: 0

TRANSMITTED TO SENATE: 2/24.
REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 3/2
HEARING: 3/16
REPORT: 3/16, BE CONCURRED IN
2ND READING: 3/18, BE CONCURRED IN
3RD READING: 3/20, YEAS: 47; NAYS: 0

RETURNED TO HOUSE: 3/20
TRANSMITTED TO GOVERNOR: 3/26
ACTION: SIGNED, 3/31
CHAPTER 208

HB 107—RYAN—TO PROVIDE FOR THE ADOPTION AND ENFORCEMENT BY THE DEPARTMENT OF LIVESTOCK OF RULES FOR THE INSPECTION, ETC., OF ANIMALS....
FISCAL NOTE: REQUIRED
INTRODUCED: 1/7
REFERRED TO COMMITTEE ON AGRICULTURE: 1/7
HEARING: 1/14
REPORT: DO PASS, 1/14
2ND READING: 1/21 YEAS: 92; NAYS: 1
ON MOTION, SEGREGATED FROM THE COMMITTEE OF THE WHOLE REPORT AND
PLACED ON 2ND READING THE FOLLOWING DAY: 1/21
2ND READING: 1/23, ON MOTION, PASSED FOR THE DAY.
2ND READING: 1/24, ON MOTION, PASSED FOR THE DAY.
2ND READING: 1/26 YEAS: 92; NAYS: 2
3RD READING: 1/27 YEAS: 90; NAYS: 1

TRANSMITTED TO SENATE: 1/27
REFERRED TO COMMITTEE ON AGRICULTURE: 1/28
HEARING: 3/2; 3/9
REPORT: 3/10, BE CONCURRED IN
2ND READING: 3/11, YEAS: 48; NAYS: 2
3RD READING: 3/13, YEAS: 47; NAYS: 0

RETURNED TO HOUSE: 3/13
TRANSMITTED TO GOVERNOR: 3/18
ACTION: SIGNED, 3/20
CHAPTER 110

HB 108—ELLISON, KEYSER, IVERSON, NORDTVEDT—PROVIDING FOR A POLLING PROCEDURE BY THE SECRETARY OF STATE OF THE LEGISLATORS WHEN THE LEGISLATURE IS NOT IN SESSION AND THE GOVERNOR VETOES A BILL....
FISCAL NOTE: REQUIRED
INTRODUCED: 1/7
REFERRED TO COMMITTEE ON RULES: 1/7
HEARING: 1/22
ON MOTION, TAKEN FROM COMMITTEE ON RULES AND REREFERRED TO
COMMITTEE ON STATE ADMINISTRATION: 1/22
HEARING: 2/2
REPORT: DO PASS AS AMENDED, 2/3
2ND READING: 2/6, YEAS: 63; NAYS: 37
3RD READING: 2/9, YEAS: 60; NAYS: 39

TRANSMITTED TO SENATE: 2/9
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 2/10
HEARING: 3/4
REPORT: 3/5, BE NOT CONCURRED IN
YEAS: 43; NAYS: 0
BILL KILLED IN COMMITTEE

HB 109—ELLERD, BOYLAN—TO ALLOW A DEFINED RESORT COMMUNITY TO ESTABLISH A RESORT TAX AFTER A VOTE OF ITS ELECTORS....
INTRODUCED: 1/7
REFERRED TO COMMITTEE ON TAXATION: 1/7
HEARING: 1/19
REPORT: DO NOT PASS, 1/22

#7

HOUSE BUSINESS AND INDUSTRY

January 16, 1981

SUMMARY OF BILLS TO BE HEARD TODAY -

HOUSE BILL 67 -

Introduced by Rep. Fabrega and others by request of SRS to authorize that department to make available to persons with vision deficiencies space for operation of vending machines. Purpose of the bill is to provide the blind or partially blind opportunities for self-supporting businesses.

HOUSE BUMM 106 -

Introduced by Rep. Switzer, amends the definition of "rural" for the purpose of determining the right to provide rural telephone, cable television and broadband facilities from an area not within a city of population in excess of 1,500 to not in excess of 3,500.

HOUSE BUSINESS AND INDUSTRY

The House Business and Industry Committee met in Room 129, Capitol Building, Helena, Montana, on January 16, 1981 at 8:00 a.m. Ray Jensen, Vice Chairman, acted as Chairman since Rep. Fabrega had bills in other committees and had a bill of his own in committee. Reps. Vincent and Ellerd were excused, as was Rep. Schultz, but he came in later during the meeting. All other members were present.

House Bills 67 and 106 were to be heard.

HOUSE BILL 106

Rep. L. Dean Switzer, District 54, sponsor of HB 106, explained this is an act amending the definition of rural area as the term applies to the rural electric and telephone cooperative act and amends 35-18-102, MCA, which was requested by the trustees and manager of the Mid-River Cooperative at Circle. They want this bill amended in anticipation of population growth expected in connection with industrial development.

PROPONENTS:

W. Riley Childers, Executive Representative of the Montana Association of Independent Cooperatives, supports the bill explaining that in 1939 when the rural electric act came into being, the national statute read 1,500 and was adopted by most of the states. The electric part of the act raised the population figure to 3,500 while the telephone part didn't change. Montana Rural Telephone cooperative have recently purchased the Continental and are now not complying with the statutes in the towns of Big Timber, Chinook and Havre, and other towns are approaching the 3,500 figure.

Joe Thayers, Mountain Bell, has no problem with the bill as it enables the cooperative to do some long-range planning. He supports the bill.

OPPONENTS:

Lester Loble II, General Telephone of the Northwest, Inc., opposes HB 106 saying that cooperatives have unfair advantages in taxation and operating expenses are less than those of private companies. General Telephone serves the town of Libby, Montana, which is under the 3,500 limit, but expects to reach that limit before very long and would then come under this act. He would like to have those communities served by private companies exempt from the regulations of this proposed act. Is in opposition to HB unless it is amended because cooperatives could serve at cheaper rates than private companies.

Rep. Switzer was agreeable to an amendment. The amendment would say that where there is a cooperative, they could continue to expand and serve. Loble and Rep. Switzer will work out an amendment.

WITNESS STATEMENT

Name Riley W. Childers Date Jan 16/81

Address 1820 4th Ave No Great Falls Support ? —

Representing Mont Telephone Association Oppose ?

Which Bill ? HB 106 Amend ?

Comments:

oral statement.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name JOSEPH F THARES Date 1-16 81

Address 560 NO. PARK HELENA Support ? X

Representing MTN BELL Oppose ? _____

Which Bill ? HB 106 Amend ? _____

Comments:

This bill enables Corporations to expand their services as the Community grows. There appears to be no territorial conflict between the service provided by the Coop and the service provided by Mountain Bell.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Lester H. Lobb II Date 1/16/18

Address POB 171 Helena 59624 Support ? _____

Representing General Telephone of the Northwest, Inc Oppose ? X

Which Bill ? HB 106 Amend ? _____

Comments:

Please leave prepared statement with the committee secretary.

#28

HOUSE BUSINESS AND INDUSTRY COMMITTEE

February 16, 1981

SUMMARIES FOR

HOUSE BILL 597 -

Introduced by Rep. Ernst, requires that in addition to being managed by a person with 10 years experience as a barber, a barber school employ as instructors only persons licensed as instructors under the rules of the Board of Barbers.

HOUSE BILL 612 -

Introduced by Rep. Bardanouve, brings transactions between crop producers, crop sellers, and crop buyers under the definition of "between merchants" as understood in the Uniform Commercial Code with the assumption that all parties have the knowledge or skill of merchants. It provides a contract is enforceable if payment has been made for part of the goods and if the agreement is evidenced by an instrument or document received by the seller that indicates the buyer believes a contract exists.

HOUSE BILL 625 -

Introduced by Rep. Fabrega and others, permits a retailer of goods to impose an additional charge of 1-1/2% of the overdue balance on all credit accounts 30 days past due, provided a statement is rendered at the end of each month showing the transactions during the month, the balance due, the amount of late payment charge and its simple interest equivalent. This bill might need July 1 effective date.

HOUSE BILL 671 -

Introduced by Rep. Hurwitz by request of the Department of Professional and Occupational Licensing. Raises the osteopath's certificate renewal fee from $15 to $25 and for a person not in active practice from $7.50 to $17.50; removes the requirement that a podiatrist record his license with the county clerk and raises the podiatrist's license renewal fee from $35 to $50; requires an applicant for examination for licensing as a nursing home administrator to pay an additional fee above the $25 specified and provides for a late fee to be imposed for failure to pay license or registration fee or to complete education requirements; raises from $50 to $150 the fee for a person whose chiropractic license has been revoked and later restored; raises fee from $80 to $100 for renewal of licenses as a hearing aids fitter; raises fee from range of $20 to $50 to range of $40 to $100 for renewal of psychologist's license; authorizes the Board of Cosmetologists to require a separate, non-refundable application fee of $10 in addition to license fees; raises the water well contractor's license renewal fee from $25 to a figure to be set by the Board of Water Well Contractors but not more than $50. This bill coordinates with SB 412. If SB 412 passes, the only part of HB 671 that will remain valid is subsection (2) of Section 2 in regard to eliminating the requirement for podiatrists to file license with the county clerk.

HOUSE BILL 713 -

Introduced by Rep. Fabrega and Sen. Goodover, adopts the Uniform Arbitration Act and amends or repeals various sections of Montana law to conform.

Rep. Jacobsen moved HOUSE BILL 105 DO PASS. Motion failed with a 2-15 vote. Two members were absent. So HB 105 leaves the committee as a DO NOT PASS.

HB 105 would put royalty owners under the same protection as the state is at the present time. The stub for state reports is much more complete than is the stub for royalty owners.

Rep. O'Hara moved HOUSE BILL 106 DO PASS. Rep. Harper made a substitute motion that HB 106 be amended. Amendment is shown on the standing committee report. Motion was adopted unanimously. Rep. O'Hara continued his motion that HOUSE BILL 106 DO PASS to HOUSE BILL 106 DO PASS AS AMENDED. Motion carried unanimously.

A motion was made to amend HB 188 on page 1, line 10, following "nuisance" to strike "to the state" and the motion was adopted. Rep. Ellerd moved that HOUSE BILL 188 DO PASS AS AMENDED. Motion carried with Rep. Pavlovich, Ellison, Andreason, Jensen, Manning voting no. Rep. Kessler was absent.

Rep. Jensen moved that HOUSE BILL 459 be tabled. Motion carried with Rep. Vincent voting No.

Rep. Fabrega moved HOUSE BILL 282 which he sponsored BE TABLED. Motion carried unanimously.

Rep. Kitselman moved HOUSE BILL 376 DO PASS. He further moved that proposed amendments be adopted, and they were unanimously accepted. Rep. Harper further moved that the title be amended, and this motion was adopted unanimously. Rep. Kitselman amended his original motion to HOUSE BILL 376 DO PASS AS AMENDED. It was unanimously adopted.

Rep. Kitselman moved HOUSE BILL 377 DO PASS. He further moved that the proposed amendments that had been agreed to be adopted. They were unanimously approved. Rep. Harper moved that the proper title adjustment be adopted which was unanimously accepted. Rep. Kitselman changed his motion to HOUSE BILL 377 DO PASS AS AMENDED. (The standing committee report shows the amendments for HB 376 and HB 377.)

Rep. Harper moved that HOUSE BILL 378 DO PASS. He further moved to change the title from Montana Securities Act to Securities Act of Montana. Motion was unanimously adopted. Motion was changed to HOUSE BILL 378 DO PASS AS AMENDED, which was unanimously adopted.

Rep. Harper moved HOUSE BILL 380 DO PASS. He further moved amendment to the title be adopted, which motion carried unanimously. He then moved HOUSE BILL 380 DO PASS AS AMENDED, and it was unanimously adopted.

HOUSE BILL 385 -

Rep. Manning moved HOUSE BILL 385 DO PASS. Rep. Harper moved section 1 be stricken in its entirety and the old language be reinserted, and this motion was unanimously adopted.

MINUTES OF THE MEETING
BUSINESS AND INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 16, 1981

The regular meeting of the Business and Industry Committee was called to order by Chairman Hazelbaker at 10 a.m. in room 404 of the Capitol Building on Monday, March 16. All members were present.

HOUSE BILL NO. 106: Representative Switzer, District #54 presented the bill. We had a lot of problems trying to define this, and it was provided by the attorney for Associated utilities. HB 106 amends the definition of "rural area" as it pertains to rural co-ops by providing that the definition includes areas in cities or towns of less than 1500 population that later grew to more than 1500 population. The definition also includes an area not within a city or town, having a population in excess of 3500 which is not already being served by a system or facilities, as it applies to rural electric and telephones, and television cable systems.

NO OTHER PROPONENTS:

NO OPPONENTS:

QUESTIONS FROM THE COMMITTEE:

Some general discussion about who was covered and Mr. Switzer made the comment that when the ones in the smaller areas don't feel threatened then it seems to be ok with other areas.

The hearing closed on House Bill No. 106.

HOUSE BILL NO. 625: Representative Fabrega, District #44 presented the bill. The bill allows a retailer of goods to impose a charge of 1 1/2% of the overdue balance on all accounts 30 days past due where the creditor agreed to pay for the goods upon presentation of the bill. A statement would have to be supplied to the purchaser at the end of each month. The bill applies only if the retailer did not intend to extend credit beyond 30 days. This would be if you do not offer revolving credit but you allow a charge account. It gets complex in terms of interest because you have not agreed to provide credit. There has always been a cloud on how you collect payment. We need this bill to clarify something that is already being done. A periodic statement must be furnished, and the late charge may be provided for only if he promptly supplies the buyer with a statement as of the end of each regular period agreed upon. This is a copy of the North Dakota approach. We allow a charge account with the understanding that payment is due on the 10th of the month usually.

NO OTHER PROPONENTS:

SENATOR DOVER moved the amendments. The motion carried on a vote of 6 to 2.

SENATOR DOVER moved as amended, be concurred in. The motion carried with the vote unanimous. Senator Van Valkenburg will carry since he is a co-sponsor.

HOUSE BILL NO. 492:

SENATOR LEE moved be concurred in. Then followed discussion about the interest rate and what this bill will let them do. It was stated that many open-end loans would be 2% per month but that the closed-end loans would vary.

The motion carried with Senators Regan and Blaylock voting no with a vote of 6 to 2. Senator Lee will carry.

HOUSE BILL NO. 106:

SENATOR KOLSTAD moved be concurred in. The motion carried with the vote unanimous. Senator Kolstad will carry.

The meeting adjourned at 11:55 a.m.

Frank W. Hazelbaker, Chairman

Mary Ellen Connelly, Secretary

ROLL CALL

BUSINESS and INDUSTRY COMMITTEE

47th LEGISLATIVE SESSION -- 1981

Monday

Date 3/16/81

NAME	PRESENT	ABSENT	EXCUSED
Goodover, Pat - Vice Chairman	✓		
Hazelbaker, Frank - Chairman	✓		
Blaylock, Chet	✓		
Boylan, Paul	✓		
Dover, Harold	✓		
Kolstad, Allen	✓		
Lee, Gary	✓		
Regan, Pat	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

March 16, 19 81

MR. PRESIDENT:

We, your committee on BUSINESS AND INDUSTRY

having had under consideration HOUSE Bill No. 106

Switzer. (Senator Kolstad)

Respectfully report as follows: That HOUSE Bill No. 106

BE CONCURRED IN

~~DO PASS~~

Frank W. Hazelbaker, Chairman.

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 106

INTRODUCED BY SWITZER

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE DEFINITION OF RURAL AREA AS THE TERM APPLIES TO THE RURAL ELECTRIC AND TELEPHONE COOPERATIVE ACT; AMENDING SECTION 35-18-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 35-18-102, MCA, is amended to read:

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(c) "Member" means each incorporator of a cooperative and each person admitted to and retaining membership therein and shall include a husband and wife admitted to joint membership.

(d) "Person" includes any natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision or agency thereof, or any body politic.

(e) "Rural area", as applied to all corporations organized under the provisions of 35-18-105(1), means any area not included within the boundaries of any incorporated or unincorporated city, town, village, or borough having a population in excess of 3,500 persons on March 17, 1939, or subsequent thereto, and every incorporated municipality in which 95% or more of the premises are served by an electric cooperative on February 1, 1971; "rural area", as applied to all corporations organized under the provisions of 35-18-105(2), means any area not included within the boundaries of any incorporated or unincorporated city or town having a population in excess of ~~1,500~~ ~~3,500~~ 1,500 persons EXCEPT THAT AN INCORPORATED OR UNINCORPORATED CITY OR TOWN WITH POPULATION MORE THAN 1,500 PERSONS IS CONSIDERED A "RURAL AREA" FOR PURPOSES OF THIS CHAPTER IF THE SYSTEM OR FACILITIES SERVING THE PERSONS IN THE CITY OR TOWN IS ACQUIRED BY A COOPERATIVE BY AGREEMENT WITH THE COMPANY OR ENTITY SERVING THE CITY OR TOWN, OR IF THE CITY

REFERENCE BILL

OR TOWN WAS SERVED BY THE COOPERATIVE WHEN IT HAD A POPULATION OF LESS THAN 1,500 PERSONS AND SUBSEQUENTLY GREW TO A POPULATION MORE THAN 1,500 PERSONS; BUT FOR THE PURPOSES OF THIS CHAPTER A "RURAL AREA" MEANS AN AREA NOT INCLUDED WITHIN THE BOUNDARY OF ANY INCORPORATED OR UNINCORPORATED CITY OR TOWN HAVING A POPULATION IN EXCESS OF 3,500 PERSONS WHICH IS NOT ALREADY BEING SERVED BY A SYSTEM OR FACILITIES."

-End-